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UNDERSTANDING REGARDING
CERTAIN PUBLIC HEALTH MEASURES

[DATE]

The governments of Peru and the United States have reached the following understandings regarding Chapter Sixteen (Intellectual Property Rights) of the United States – Peru Trade Promotion Agreement signed this day (“Agreement”):

The obligations of Chapter Sixteen of the Agreement do not affect a Party’s ability to take necessary measures to protect public health by promoting access to medicines for all, in particular concerning cases such as HIV/AIDS, tuberculosis, malaria, and other epidemics as well as circumstances of extreme urgency or national emergency.

In recognition of the commitment to access to medicines that are supplied in accordance with the Decision of the General Council of 30 August 2003 on the Implementation of Paragraph Six of the Doha Declaration on the TRIPS Agreement and Public Health (WT/L/540) and the WTO General Council Chairman’s statement accompanying the Decision (JOB(03)/177, WT/GC/M/82) (collectively the “TRIPS/health solution”), Chapter Sixteen does not prevent the effective utilization of the TRIPS/health solution.

With respect to the aforementioned matters, if an amendment of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (1994) enters into force with respect to the Parties and a Party’s application of a measure in conformity with that amendment violates Chapter Sixteen of the Agreement, our Governments shall immediately consult in order to adapt Chapter Sixteen as appropriate in the light of the amendment.

FOR THE GOVERNMENT OF PERU:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA: